

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/628,475 Confirmation No. :
Patent No. 6,890,475
First Named : Joseph D. ARTISS
Inventor
Filed : 07/29/2003
TC/A.U. :
Examiner :
Docket No. : 103022.58743US
Customer No. : 23911
Title : Compositions Comprising Dietary Fat Complexers and Methods for Their Use

REVIEW OF FAILURE TO RECORD PAYMENT OF A MAINTENANCE FEE FILED PRIOR TO EXPIRATION OF PATENT

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Patentees request a review of the U.S. Patent and Trademark Office's failure to record Patentees' payment of the maintenance fee that was filed prior to expiration of the above-identified patent and a review of the Application Data records that indicate that the Patent is expired for nonpayment of the maintenance fee. Patentees further request that the Patent's Transaction History and Application Data records be corrected to indicate that the Patent is still in force.

On July 15, 2009 Patentees' undersigned representative became aware that the Transaction History of the above-identified Patent recites an entry of "Patent Expired" dated June 8, 2009 and the "Application Data" in PAIR for this Patent states "Patent Expired Due to NonPayment of Maintenance Fees Under 37 CFR 1.362" (copies of screenshots enclosed). The electronic File Wrapper for this Patent does not indicate that a Notice of Patent Expiration has been mailed.

After a review of the file, the documents submitted to the U.S. Patent and Trademark Office, the Deposit Account records and Credit Card Account records,

Patentees' undersigned representative determined that the maintenance fee had been submitted and acknowledged by the U.S. Patent and Trademark Office, but the maintenance fee had not been charged to either the Credit Card Account or Deposit Account.

Patentees enclose a copy of the Maintenance Fee Transmittal Form and the Credit Card Payment form submitted November 6, 2008. The Maintenance Transmittal form authorized the Director to charge any deficiencies in the payment of the required fees to Deposit Account No. 05-1323 (Docket No. 103022.58743US). Patentees also enclose a copy of the date stamped postcard receipt for the Maintenance Fee payment indicating the Maintenance Fee Statement and Credit Card Payment form were received by the U.S. Patent and Trademark Office on November 6, 2008. Thus, Patentees did properly submit a Maintenance Fee payment with a Credit Card Payment form for \$980.00.

Patentees request a review of the U.S. Patent and Trademark Office's failure to record Patentees' payment of the maintenance fee filed prior to expiration of patent and the notices in the Transaction History and a review of the Application Data records that indicate that the Patent is expired for nonpayment of the maintenance fee. Patentees request that the Transaction History and Application Data records be corrected to indicate that the Patent is still in force.

Patentees submit herewith a further maintenance fee payment of \$980.00 and fee \$200.00 as set forth in § 1.17(g). Patentees request that the petition fee be refunded if the failure to record Patentees' payment of the maintenance fee is determined to result from an error by the Patent and Trademark Office.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, associated with this paper to Deposit Account No. 05-1323, Docket No.: 103022.58743US.

Respectfully submitted,

July 20, 2009


Mary Anne Schofield
Mary Anne Schofield
Registration No. 36,669

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844

Crowell & Moring LLP

Today's Date: November 6, 2008

Attorney Docket: 103022.58743US
First Named Inventor: Joseph D. ARTISS
Serial No.: 10/628,475
Patent No.: 6,890,549
Filing Date: July 29, 2003

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

Maintenance Fee Transmittal with Credit Card Payment Form (PTO-2038) \$980.00

MAS:MAS:pof

DUE DATE: November 10, 2008



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Attorney Docket: Typed or printed name _____.
103022.58743US

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

1. A check for the amount of \$ for the full payment of the maintenance fee(s) and any necessary surcharge on the following patents is enclosed.
2. The Director is hereby authorized to charge \$ to cover the payment of the fee(s) indicated below to Deposit Account No. 05-1323 (Docket No. 103022.58743US). A duplicate copy of this form is enclosed.
3. The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 05-1323 (Docket No. 103022.58743US). A duplicate copy of this form is enclosed.
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* Information required by 37 CFR 1.366(c) (columns 1 & 4). Information requested under 37 CFR 1.366(d) (columns 2, 3, & 5)

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1	6,890,549	\$980.00	\$	10/628,475	X			No
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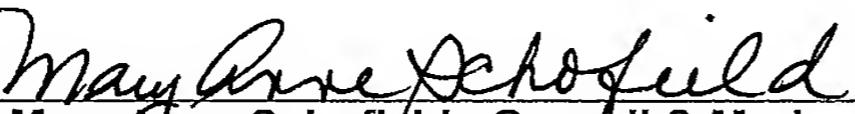
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Respectfully submitted,^{**}

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Customer's Name:

Telephone:


Mary Anne Schofield
Mary Anne Schofield - Crowell & Moring LLP
(202) 624-2500

Date: November 6, 2008

Registration Number, if applicable

36,669

Fax: (202) 628-8844

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided.
See 37 CFR 1.363.

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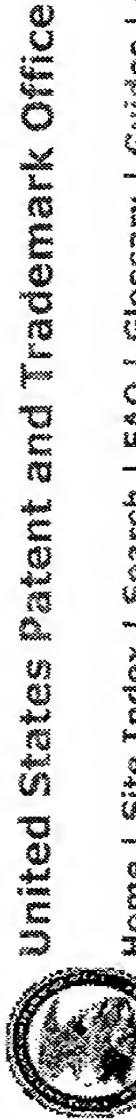
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<input type="checkbox"/> Patent Fee	<input checked="" type="checkbox"/> Patent Maintenance Fee	<input type="checkbox"/> Trademark Fee	<input type="checkbox"/> Other Fee
Application No.	Application No. 10/628,475	Application No.	IDON Customer No.
Patent No.	Patent No. 6,890,549	Registration No.	
Attorney Docket No. 103022.58743US		Identify or Describe Mark	

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Select New Case	Application Data	Transaction History	Image File Wrapper	Patent Term Adjustments	Continuity Data	Fees	Published Documents	Address & Attorney/Agent References	Display References
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[Bibliographic Data](#)

Application Number:

10/628,475

Customer Number:

-

Filing or 371 (c) Date:

07-29-2003

Status:

Patent Expired Due to NonPayment of Maintenance Fees Under 37 CFR 1.362

Application Type:

Utility

Status Date:

06-08-2009

Examiner Name:

FUBARA, BLESSING M

Location:

ELECTRONIC

[Patent Searches](#)

Group Art Unit:

1615

Location Date:

-

Confirmation Number:

4686

Earliest Publication No:

US 2004-0120984 A1

Attorney Docket Number:

AJC 201.1 US/10304772

Earliest Publication Date:

06-24-2004

Class / Subclass:

424/439

Patent Number:

6,890,549

First Named Inventor:

Joseph D. Artiss , Windsor, (CA)

Issue Date of Patent:

05-10-2005

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Title of Invention:

COMPOSITIONS COMPRISING DIETARY FAT COMPLEXER AND METHODS FOR THEIR USE

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